

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 TECHNOLOGY PROPERTIES LIMITED LLC
10 and MCM PORTFOLIO LLC,

No. C 14-3640 CW

11 Plaintiffs,

12 ORDER APPOINTING
13 TECHNICAL ADVISOR
14 KWAN CHAN

v.

15 CANON, INC. et al.,

16 Defendants.

17 TECHNOLOGY PROPERTIES LIMITED
18 LLC,

No. C 14-3641 CW

19 Plaintiff,

v.

20 FALCON COMPUTER SYSTEMS, INC.,

21 Defendant.

22 TECHNOLOGY PROPERTIES LIMITED LLC
23 and MCM PORTFOLIO LLC,

No. C 14-3643 CW

24 Plaintiffs,

v.

25 HEWLETT-PACKARD COMPANY,

26 Defendant.

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United States District Court
For the Northern District of California

1 TECHNOLOGY PROPERTIES LIMITED
2 LLC,

No. C 14-3645 CW

2 Plaintiff,

3 v.

4 NEWEGG INC. et al.,

5 Defendants.

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7 TECHNOLOGY PROPERTIES LIMITED
8 LLC,

No. C 14-3646 CW

9 Plaintiff,

10 v.

11 SEIKO EPSON CORPORATION, et al.,

12 Defendants.

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14 TECHNOLOGY PROPERTIES LIMITED LLC
15 and MCM PORTFOLIO LLC,

No. C 14-3647 CW

16 Plaintiffs,

17 v.

18 SHUTTLE, INC., et al.,

19 Defendants.

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21 TECHNOLOGY PROPERTIES LIMITED LLC
22 and MCM PORTFOLIO LLC,

No. C 14-4616 CW

23 Plaintiffs,

24 v.

25 SONY CORPORATION, et al.,

26 Defendants.

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1 As indicated at the Initial Case Management Conference for
2 these cases, the Court finds that, due to the complexity of these
3 cases and the Patents-in-Suit, it would benefit from the services
4 of a technical advisor. The Court instructed the parties to
5 consider Mr. Kwan Chan for the position and on December 5, 2014,
6 the parties filed a joint notice agreeing to Mr. Chan's
7 appointment. The Court hereby appoints Mr. Chan in that capacity
8 and gives notice of the following proposed terms of the
9 appointment.

INTENDED ORDER OF APPOINTMENT

11 The Court appointment of Mr. Chan as a "Technical Advisor"
12 will be under the following terms:

- 13 1. Any advice provided to the Court by Mr. Chan will not be
14 based on any extra-record information.
- 15 2. To the extent that the Court may ask Mr. Chan to provide a
16 formal written report on technical advice concerning the
17 case, a copy of the formal written report prepared by Mr.
18 Chan shall be provided to the parties. However, the Court
19 reserves the right to have informal written and verbal
20 communications with Mr. Chan, including written summaries and
21 explanations of his advice to the Court, which are not
22 included in any formal reports.
- 23 3. Mr. Chan may attend all case-related court proceedings.
- 24 4. Mr. Chan may review any pleadings, motions or documents
25 submitted to the Court.
- 26 5. As a Technical Advisor, Mr. Chan will make no written
27 findings of fact and will not supply any evidence to the
28 Court. Thus, Mr. Chan will be outside the purview of "expert

witnesses" under Fed. R. Evid. 706. As such, the provisions in Rule 706 for depositions and questioning of expert witnesses will be inapplicable to Mr. Chan. See Reilly v. United States, 863 F.2d 149, 155-56 (1st Cir. 1988).

6. Mr. Chan will have no contact with any of the parties or their counsel except for billing purposes.

7. Each party shall bear the fees and costs of the Technical Advisor on a per capita basis, payable in advance. Mr. Chan shall establish a trust account for his payments. Within ten days of the date of this order, the parties shall contact Mr. Chan for the account information and deposit, initially, \$100,000.00 to cover the anticipated fees and costs. The parties may divide this initial deposit requirement as they see fit. Mr. Chan shall issue statements to the parties and draw from the trust account every fifteen days for his performance of the appointment. Mr. Chan will bill at the rate of \$450.00 per hour. Any dispute pertaining to Mr. Chan's fees will be referred to a Magistrate Judge.

8. Mr. Chan shall report to the Court on a periodic basis, every sixty days, regarding the state of his fees and expenses and make a recommendation to the Court as to whether the trust account needs additional deposits from the parties as the case progresses.

9. Mr. Chan shall file a declaration in the form attached that he will adhere to the terms of his appointment.

CONCLUSION

27 Within fourteen days of the date of this Order, any party may
28 file an objection to the terms of the appointment of Mr. Chan as

1 the Court's technical advisor. The objection shall state the
2 grounds of objection and be accompanied by a supporting
3 declaration and legal memorandum.

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5 IT IS SO ORDERED.

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7 Dated: 04/10/2015

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CLAUDIA WILKEN
United States District Judge

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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5 I, Kwan Chan, declare that I will adhere to the terms of my
6 appointment as Technical Advisor in cases 14-CV-3640, 14-CV-3641,
7 14-CV-3643, 14-CV-3645, 14-CV-3646, 14-CV-3647, 14-CV-4616, as set
8 forth in the Court's Order Appointing Technical Advisor Kwan Chan.
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11 Date: _____
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13 Kwan Chan
14 Technical Advisor
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